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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
CHERUBIN, YVESTE GILBERTE

ART UNIT	PAPER NUMBER
3713	11

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/864,927	Applicant(s) CANNON ET AL.	
	Examiner Yveste G. Cherubin	Art Unit 3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 May 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7,8,16,18,34,35,38 and 48-54* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *34,35 and 38* is/are allowed.

6)☒ Claim(s) *1-4,7,8,16 and 48-54* is/are rejected.

7)☒ Claim(s) *5 and 18* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *6,9* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This action is in response to the communication of the Application 09/864,297 filed in May 24, 2001 in which a preliminary amendment is filed canceling claims 6, 9-15, 17, 19-33, 36-37, 39-47 and claims 48-54 added. Thus, claims 1-5, 7-8, 16, 18, 34-35, 38, 48-54 are pending.

Claim Objections

2. Claim 8 is being objected to as being dependent upon cancelled claim 13. It has been treated as being dependent upon claim 1 since it was dependent upon claim 1 in the original claim presentation and the preliminary amendment filed on August 28, 2001. It has been treated as a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 49 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 49 recites "wagering an amount of tournament entry points awarded in play of the primary game at least one additional to accrue additional tournament entry points. This sentence is incomplete and ambiguous. Clarification and appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-2, 4, 8 16 are rejected under 35 U.S.C. 102(a) as being anticipated by Pascal et al. (WO 98/00210).

As per claim 1, Pascal discloses a tournament gaming system comprising a plurality of gaming devices, abstract, 2nd line. The plurality of gaming devices are configured for a maximum rate of play responsive to player input, page 3, lines 30-31 and an automated rate of play of at least one game of chance to be played in a tournament, page 7, lines 9-12, initiating the tournament, page 7, lines 11-12; and playing at least one game of chance a plurality of times during the tournament, page 4, lines 4:21-23 on at least one gaming device of the plurality of the gaming devices at a rate no less than no the automated minimum rate of play, page 4, lines 4:21-23. As per claim 2, Pascal discloses activating the automated minimum rate of play on the at least one gaming device of the plurality when a player does not initiate play of the at least one game of chance within a predetermined interval of time after the at least one gaming device is initialized for play thereof, page 7, lines 7-12. As per claim 4, Pascal discloses the automated minimum rate of play comprising a percentage of a standard rate of play of the at least one game of chance in at least one tournament, page 4, lines 24-25. As per claim 8, Pascal further teaches gaming devices configured to display player

rankings, page 5, lines 10-11, page 7, lines 1-2 player points accumulation, page 1, lines 16-17, page 5, lines 12-13, page 6, lines 24-25. As per claim 16, Pascal discloses the claimed invention as substantially as shown above, Pascal further discloses automatically initiating the game of chance if the player fails to initiate play of the game of chance prior to the expiration of the predetermined time interval, page 7, lines 7-12 and wherein the predetermined time interval is related to a time interval for player-responsive game initiation, page 3, lines 15-19, page 5, line 29-page 6, line 7.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

a. Claims 3, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pascal (WO 98/00210).

As per claim 3, Pascal discloses the claimed invention as substantially as shown above. Further, on page 4, lines 22-23, Pascal discloses that during tournament play, following each play the game is automatically reset to await the next player input, and on page 7, lines 6-12, he stated that in one embodiment the start condition requires that a minimum number of terminals be available for play and the system may designate a number of terminals to run in automatic play mode. With an understanding of the reference it

would be obvious to one of skill in the art to note that the system will activate the automated minimum rate of play comprising initiating a game of the at least one game of chance in each instance in which the player does not initiate play of the at least one game of chance within the predetermined interval of time in order to meet the minimum number of terminals requirement until the tournament is over. Accordingly, claim 3 is obvious. As per claim 7, presetting the percentage of the standard rate of play in memory associated with a microprocessor would be obvious. One of ordinary skill in the art would have been motivated to configure the system as such (default setting) for consistency purposes.

b. Claims 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent No. 6,224,486) in view of Weiss et al. (US Patent No. 6,287,202).

As per claims 50-52, Walker discloses a method and a system for a distributed electronic tournament system. Walker further discloses upon participating in a tournament, a player must pay an entry fee. At the end of the initial tournament session, a central controller determines whether a player has been qualified for advancement to the next game session, 8:28-30. Walker discloses that top score winning players could receive free entry fees for future or subsequent tournament, 8:19-27. Walker further discloses that points can be accumulated and awarded to winning players. However, Walker fails to disclose a reel type game and deferring tournament play at a later time by obtaining one of a tournament entry ticket or token at gaming machine. Weiss teaches a gaming system in which tournament play is allowed and

which provides to players a device such as a memory card, which will enable players to defer playing at a later time, 2:48-52. Reel-type game is well known, using a reel type game to tender a wager and play one primary game would have been a matter of choice. It is well known in the gaming industry that tickets, coupons, magnetically readable cards, cards with bar-codes, or any other type of "smart" card are all equivalent devices. The Weiss reference discloses the claimed invention except for the smart card. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a smart card since the Examiner takes Official Notice of the equivalence of a memory card and a smart card for their use in the electronic art and the selection of any of these known equivalents to the gaming industry would be within the level of ordinary skill in the art. It would have been obvious to one of skill in the art to modify the Walker system and include the deferment teaching as taught by Weiss in order to make tournament play more available to all who would enjoy a play and provide a flexible system where players can actually schedule when they can participate in a tournament or gaming session.

c. Claims 48, 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US Patent No. 6,224,486) in view of Pascal et al. (US Patent No. 6,287,202).

As per claim 48, Walker discloses a method and a system for a distributed electronic tournament system. Walker's system is configured for a first mode of play wherein a player must pay an entry fee. Upon the game outcome of the initial session, a central

controller determines whether a player has been qualified for advancement to the next game session, 8:28-30. However, Walker is silent on playing the plurality of tournament games of chance at a single gaming machine. Pascal implicitly teaches "playing the plurality of tournament games of chance at a single gaming machine" 5:7-10, 4:27-32. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to have players playing the plurality of tournament games of chance at a single gaming machine as taught by Pascal into the system of Walker in order to avoid wasting time between the game sessions. As per claim 53, Walker and Pascal disclose the claimed invention as substantially as explained above. Pascal teaches a tournament gaming system wherein gaming devices are selectively configured, page 2, lines 13-15, 22-25 to participate in a tournament game of chance. Pascal further teaches gaming devices configured to display player rankings, page 5, lines 10-11, page 7, lines 1-2 player points accumulation, page 1, lines 15-16, page 5, lines 12-13, page 6, lines 24-25. As per claim 54, Walker in view of Pascal disclose the claimed invention as substantially as explained above. Walker further discloses displaying a list of missing qualifications credits required to qualify to play the tournament, 15:45-47.

Allowable Subject Matter

6. Claims 5, 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 34-35, 38 are allowed over the prior art of record.

Claim 49 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yveste G. Cherubin whose telephone number is (703) 306-3027. The examiner can normally be reached on 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (703) 308-4119. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

May 17, 2003

ygc

S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700